

What is the “level of recognition”?

The level of recognition is important because it defines where the Statutory duty to bargain resides and the scope of the bargaining unit (e.g., national, regional, or local). The easiest way to answer this question is to find an official “certification” document for the bargaining unit(s) covered by the forum. A certification document for each bargaining unit should be on file with your agency’s labor relations office, or your union office, and these documents may also be included in collective-bargaining agreements. The certification should show your agency and the union, and it will also include a description of the bargaining unit. If you need a copy of the certification for your bargaining unit, contact your FLRA Regional Office.

In the 1960s, Federal agencies granted exclusive recognition to unions by writing letters of recognition that described the bargaining unit. Beginning in 1970, the U.S. Department of Labor issued certifications of representative, according exclusive recognition to unions. With the passage of the Statute, starting in 1979 the FLRA began issuing certifications.

Here’s what to look for when reading a bargaining unit description:

- If the unit is described as, “All nonprofessional employees of Region 9, Agency X,” the level of exclusive recognition is at Region 9. If you aren’t sure about the level of recognition, look at the collective-bargaining agreement. Who are the parties to the agreement – the Region (or the Agency) and the union?
- If the unit is described as, “All employees of Agency X,” the level of exclusive recognition is at the Agency level.
- If the unit is part of a nationwide, consolidated bargaining unit (e.g., a consolidated bargaining unit of VA employees, or of SSA employees, etc.), the level of exclusive recognition is at the Agency level.

If you are still unsure about the level of recognition for a particular unit consult with the labor relations office at your department or agency headquarters, or your union.

At the level of recognition. If you conclude that the level of recognition for the bargaining unit is the same level at which the forum exists, then the forum is “at the level of recognition.” For example, if the level of recognition is one local facility, and the forum exists at that same local facility, then the forum exists *at the level of recognition*. It is possible for multiple bargaining units to participate in one forum that is at the level of recognition, if they all have the same level of recognition.

Above the level of recognition. This is when the forum is at a higher level of the organization than the bargaining unit’s level of recognition. For example, there could be one forum at the agency level that includes the participation of multiple unions, including a union that is certified to represent a bargaining unit at a lower organizational level.

Below the level of recognition. This occurs when the forum exists at a lower level of the organization than the bargaining unit's level of recognition. For example, there could be a local level forum (existing at one facility or one region) within a nationwide bargaining unit.